

REMARKS

Claims 1, 11, 12, 21 and 22 have been examined. The Examiner now acknowledges that claims 11 and 12 are allowed. However, the Examiner continues to reject claims 1, 21 and 22 under the same grounds as set forth in the previous Office Action.

I. Preliminary Matters

The Examiner objects to newly added Figure 15 as well as the specification amendments regarding Figure 15 that were added in the August 3, 2007 Amendment. For the reasons previously presented, Applicant submits that the specification does support the figure. For example, on page 17, lines 23-26, the specification discloses the following:

“In the structure shown in Fig. 1, a plurality of juxtaposed parallel shock-absorbing ribs 2 are formed on the surface (outer surface) of the battery cover (hereinafter referred to as “cover”)...”

In view of the above, the specification unambiguously states that the ribs 2 of Figure 1 are formed on the “outer” surface of the battery cover 1. Furthermore, on page 19, lines 22-25, the specification discloses the following:

“The ribs 2, 4 and 5 are formed so as to be disposed at positions corresponding to the externally-threaded-type electrodes of the batteries.”

Accordingly, Applicant provided Figure 15 which depicts the exact configuration clearly disclosed in the specification (i.e., ribs 2 are depicted in the disclosed position). Since the specification already disclosed the features, Applicant submits that the addition of Figure 15 does not constitute new matter.

In view of the addition of Figure 15, Applicant amended the specification to introduce the new figure. The Examiner maintains that such amendments constitute new matter since Figure 15 itself is alleged to constitute new matter. In this regard, the Examiner maintains that, “[t]he specification as filed does not support ribs formed on the outside surface of the cover are positioned corresponding to the electrodes” (pg. 2 of Office Action). Applicant respectfully traverses this statement of the Examiner since as shown above, the specification obviously supports the exact configuration.

II. Double Patenting Rejection

The Examiner has rejected claims 1, 11, 12, 21 and 22 under the doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,773,850 (parent Application to the present Application). In the January 4, 2008 Amendment, Applicant filed a Terminal Disclaimer rendering the rejection moot. In the present Office Action, the Examiner acknowledges receipt of the Terminal Disclaimer, but maintains that since a paralegal has not yet reviewed the Terminal Disclaimer, the rejection is again set forth (pg. 3 of Office Action). Since the Terminal Disclaimer is proper, however, no further response in this regard is necessary.

IV. Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1, 21 and 22 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Specifically, the Examiner maintains that it is unclear what, “positions respectively corresponding to positions,” encompasses (pg. 4 of Office Action).

Although the Applicant traverses the Examiner’s position, Applicant has hereby amended claim 1 to expedite prosecution. In particular, claim 1 now recites:

“wherein the plurality of shock-absorbing ribs are formed so as to be disposed at positions that are substantially symmetrical to positions of a plurality of externally-threaded electrodes of the at least one battery, with respect to a plane of the battery cover, when the battery cover is provided on the at least one battery.”

Applicant notes that the specification discloses that the projections 20 and the ribs 19 are disposed “substantially symmetrically with respect to the plane of the cover 18” (pg. 23, lines 14-16 of present Application). Although such language is used in regard to the relationship between the projections/ribs, similar language can be used for the relationship between the ribs/electrodes (also see Figure 8).

At least based on the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1, 21 and 22.

VI. Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1, 21 and 22 under 35 U.S.C. § 102(b) as allegedly being anticipated by Henk.

A. Claim 1

Claim 1 recites, “wherein the plurality of shock-absorbing ribs are formed so as to be disposed at positions that are substantially symmetrical to positions of a plurality of externally-threaded electrodes of the at least one battery, with respect to a plane of the battery cover, when the battery cover is provided on the at least one battery.”

Applicant submits that Henk fails to teach or suggest that the ribs 53 are provided at positions substantially symmetrical to positions of electrodes of a battery, with respect to a plane of the battery cover when the cover is provided on the battery. Accordingly, Applicant submits that claim 1 is not anticipated by the reference.

B. Claims 21 and 22

Since claims 21 and 22 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

VII. Allowable Subject Matter

As set forth above, the Examiner has indicated that claims 11 and 12 are allowed.

VIII. Newly Added Claim

By this Amendment, Applicant has added claim 23 to provide more varied protection of the present Invention.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/809,347

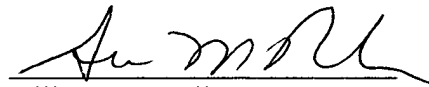
Attorney Docket No.: Q80240

IX. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER

Date: July 1, 2008